

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

HARVEY P. SHORT,

Plaintiff,

v.

Civil Action No. 2:07-00968

VICKIE GREENE, Jail Administrator, and
LIEUTENANT HARVEY and
SERGEANT CARTER and
OFFICER FRYE and
OFFICER COOK and
CORPORAL KILLEN, II, and
OFFICER FERRELL and
CORPORAL BROWSER and
OFFICER HUGHES (the small Hughes), and
JOHN DOE I and
JOHN DOE II and
NURSE CATHY BOOTH,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is defendant Cathy Booth's motion to dismiss the second amended complaint or, in the alternative, for summary judgment, filed June 12, 2009.

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B) .

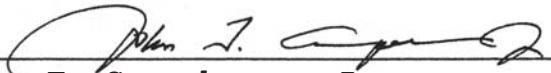
The court has reviewed the proposed findings and recommendation entered by the magistrate judge on October 5, 2009. The magistrate judge recommends that defendant Booth's motion be granted. On October 13, 2009, plaintiff objected. The substance of those objections, however, have been addressed within the proposed findings and recommendation. The objections are not meritorious.

The court, accordingly, ORDERS that the proposed findings and recommendation be, and it hereby is, adopted and incorporated herein. It is further ORDERED as follows:

1. That defendant Booth's dispositive motion be, and it hereby is, granted insofar as it seeks summary judgment and denied as moot in all other respects; and
2. That defendant Booth be, and she hereby is, dismissed with prejudice from this action.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: October 30, 2009



John T. Copenhaver, Jr.
United States District Judge